

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
May 3, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Forman, Conze, Bigelow, Kenny

STAFF ATTENDING: Ginsberg

GENERAL MEETING

Chairman Damanti read the first agenda item:

Meeting with Tom Geary, Darien Revitalization, Inc.

Tom Geary, co-president of Darien Revitalization Inc., distributed a brochure and noted that a non-profit corporation had been formed. He explained that the Connecticut Main Street program is free. The Town of Darien's applications went out last Friday and money has been raised for the hiring of an Executive Director, including a total of \$30,000.00 received from the Town of Darien. This group would like to attract new businesses to downtown. He explained the recent additions of Trader Joe's, the renovation of the Darien movie theatre, the Grove Street Plaza project, and other recent changes which have enhanced Darien. Mr. Geary was very excited about things that are starting to happen within the community.

Mr. Kenny said that the Main Street program is a process. It is incremental, and happens over time. They take advantage of the characteristics of each individual community. Mr. Bigelow mentioned that much of the existing traffic is mostly from I-95 and is not necessarily downtown-related traffic. Mr. Geary said that his group is willing to work with landlords to get good tenants into the community.

Chairman Damanti read the next agenda item:

Discussion on whether the construction of a scorer's box for the Challenger Field at McGuane Park requires a Mandatory Referral report under Section 8-24 of the Connecticut General Statutes.

Mr. Bigelow said that there is currently a scoreboard at McGuane field. Mr. Damanti asked if this request for a scorer's box for the Challenger Field had ever been approved by the Commission in the past. Mr. Damanti believed that this is a minimum cost item and a very minor improvement to McGuane Park. Mr. Kenny concurred. Mr. Bigelow explained that there is already a scorer's box on the property and the use already exists on the property. After further discussions, all Planning & Zoning Commission members agreed that no mandatory referral is necessary for this project.

Chairman Damanti read the next agenda item:

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
MAY 3, 2005
PAGE 2

Discussions and deliberations on closed public hearing items.

Business Site Plan #159-A, First County Bank, 1006 Boston Post Road. Proposing to raze the existing buildings and to construct a new bank building with drive-through lane and perform related site development activities. The subject property is located on the southeast side of Boston Post Road approximately 400 feet southwest of its intersection with Center Street, and is shown on Assessor's Map #72 as Lot #10, CBD Zone.

Mr. Kenny recused himself from discussions on this application. Mr. Ginsberg summarized by noting that Sketch 4 had been submitted at the public hearing, and ZBA approval had been received for the project. Mr. Conze had concerns about the right turns only out of the site. Ms. Forman said that this is a difficult situation. Mr. Damanti noted that there is a counter balance as left turns out of the site would have people queuing up on the site. Mr. Conze said that there needs to be a realistic policy regarding curb cuts in downtown on Boston Post Road and there may be a jurisdictional issue between the Police Department and the Planning & Zoning Commission. Mr. Bigelow noted that this is a tough piece of property, and is a horrible place for a drive-thru. Ms. Forman agreed with Mr. Bigelow and does not like the drive-thru in this location. Mr. Damanti said that one advantage of the project is that it opens up the Center Street municipal parking lot. He would, however, have preferred a different use for the property. Ms. Forman added that by opening up the Center Street parking lot, business and activity will be pushed off the Boston Post Road. Mr. Damanti said that when people realize they cannot make a left turn out of the site, they will become more aware of the municipal parking lot to the rear. He again reiterated that he would have preferred another retail use rather than a bank in this location. Mr. Bigelow explained that the Dunkin' Donuts sign across the street is not a formal "no left turn" sign. In this case, any such "No Left Turn" signs should be proper, blatant and formal. Staff was then instructed to draft a Resolution for the Commission's consideration at an upcoming meeting.

Chairman Damanti read the following agenda item:

Special Permit Application #202-C, 980 Boston Post Road Associates, LLC, Cosí, Inc., 980 Boston Post Road. Proposing to establish a restaurant in first and second floor space at 980 Boston Post Road, and to perform related site development activities. The subject property is located on the south side of Boston Post Road, approximately 175 feet west of its intersection with Center Street, and is shown on Assessor's Map #72 as Lots #6 and #6-4, in the CBD Zone.

Mr. Damanti noted that Lot #6 is this space as well as the Upper Crust Bagel Store space. He explained that Lot #6-4 is the upstairs office space which would be converted to a kitchen use for Cosi. Mr. Bigelow believed that this is a nice addition to downtown. He cautioned that this being a condominium, the Commission must be sensitive to other owners within the building. They should be careful to preserve the privacy of the owners. Mr. Kenny agreed, and noted that Mr. Bigelow made a good point. However, he disagreed with Mr. Dora's concerns (one of the upstairs office uses) about the upstairs rest room use. Mr. Damanti said that the common areas might be considered a security concern. Mr. Kenny then made a suggestion regarding compromise on security. He suggested a security key on an interior door. Mr. Damanti said that a panic door would be another similar option.

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
MAY 3, 2005
PAGE 3

Mr. Conze summarized by stating that the Commission should approve the use and let the condominium owners work out a solution for the second floor space. He said that the main concerns with the project are venting and food preparation. He considers the kitchen on the second floor to be a benign second floor use. Ms. Forman agreed with Mr. Conze. Mr. Bigelow said that the building security is a concern. Mr. Damanti noted that the panic door was offered by the applicant, and Mr. Kenny agreed that such a solution was offered by Mr. Genovese. Mr. Damanti said that the Commission should see what the Health Code approves and that there may be a need to modify the approval if the Health Department requires significant changes to the project. Mr. Damanti, Mr. Bigelow and Ms. Forman agreed on the requirement for a panic door on the second floor, with Mr. Damanti noting that Mr. Genovese was agreeable to such a door. Staff will draft a Resolution for the Commission's consideration at a future meeting.

Chairman Damanti read the next agenda item:

Special Permit Application #238, Ching's Kitchen, 879 Boston Post Road. Proposing to establish a restaurant in the space currently occupied by Baskin-Robbins ice cream at 879 Boston Post Road, and to perform related site development activities. The subject property is located on the north side of Boston Post Road, approximately 100 feet east of its intersection with West Avenue, and is shown on Assessor's Map #17 as Lot #3, in the CBD Zone.

Mr. Conze asked whether this restaurant would have any deliveries as he was concerned about deliveries occurring on Boston Post Road. He suggested that any delivery vehicles use only the rear entrance to the building. Mr. Damanti mentioned that at the public hearing the contractor was agreeable to using the water charcoal filter as described by Mr. Keating. Mr. Bigelow explained that it is very important to have that type of venting installed without obscuring a second floor view of one of the existing residential units on the second floor. Mr. Damanti said that it is important to have such a filter especially adjacent to other businesses on the side and apartments up above. Mr. Bigelow noted that any final plans for this restaurant should be reviewed and acted upon by the Health Department, the Fire Department and the Planning & Zoning Director prior to the issuance of a Zoning Permit. Mr. Kenny was very sensitive to the upstairs windows on the residential units. He liked the concept and believed it was a good use for the site, however, the vents must be maintained and should not be altered or removed in the future. Mr. Ginsberg will draft the Resolution noting the Commission's comments and concerns discussed this evening.

Chairman Damanti read the next agenda item:

Coastal Site Plan Review #206, Flood Damage Prevention Application #220, Jane Halliwell, Trustee, 84 Ring's End Road. Proposing to tie into the public sanitary sewer system, and perform related site development activities within regulated areas. The subject property is located on the west side of Ring's End Road, approximately 650 feet north of its intersection with Goodwives River Road, and is shown on Assessor's Map #51 as Lot #5, in the R-1 Zone.

Commission members very briefly discussed this application and asked staff to draft a Resolution for consideration.

Chairman Damanti read the following agenda item:

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
MAY 3, 2005
PAGE 4

Land Filling & Regrading Application #138, J. Baron Land Corp., 16 Silver Lakes Drive.

Proposing to fill, regrade, and construct a rip-rap retaining wall, and perform related site development activities. The subject property is located on the south side of Silver Lakes Drive, approximately 1,000 feet north of its intersection with Tokeneke Road, and is shown on Assessor's Map #37 as Lot #13 in the R-1/2 Zone.

Commission members very briefly discussed the application and they had no major concerns. Staff will draft a Resolution sometime in the next few weeks for the Commission's consideration.

Chairman Damanti read the following agenda item:

Approval of Minutes

April 5, 2005 Public Hearing/General Meeting

Mr. Damanti suggested a change to page 6 of the draft minutes. On a motion by Ms. Forman, seconded by Mr. Kenny, the April 5, 2005 meeting minutes were unanimously approved with one amendment on page 6.

Chairman Damanti read the following agenda item:

Meeting with Anne Lynn and Elyse Pitts regarding inclusionary housing

Jo Tatum, Kaye Barker and Elyse Pitts were present along with Anne Lynn to discuss inclusionary housing. Ms. Lynn noted that she had distributed two April 27, 2005 letters with various attachments. She explained to the Commission that this proposal can take many directions. She said that she was here before the Commission tonight to discuss if it is even worth discussing this matter further. She mentioned that other communities are also trying to address the affordable housing issue. Ms. Lynn encouraged the Planning & Zoning Commission members to talk to Clay Fowler of Spinnaker Real Estate.

Various details and issues regarding inclusionary housing were then discussed. Mr. Bigelow noted that there are very few large tracts of land remaining in Darien. Ms. Lynn explained that the housing to be built could either be ownership or rental. Ms. Forman asked how such a proposal would mesh with Section 8-30g of the Connecticut General Statutes. Mr. Damanti said that this type of proposal may work better in a larger community rather than in a smaller community such as Darien. Mr. Bigelow suggested only having such a proposal applied to large multi-family projects. After hearing the Commission's comments, Ms. Lynn said that she would look at appropriate cut-offs for development and return to the Commission sometime in the future with more details regarding the proposal. Mr. Kenny explained that he appreciates the efforts and tenacity of Ms. Lynn. Mr. Damanti believed that this may be more of a city tool rather than a tool which would be appropriate for Darien. Ms. Lynn said that she will continue to work on this matter and will return to the Commission shortly.

Chairman Damanti read the next agenda item:

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
MAY 3, 2005
PAGE 5

2005 Town Plan of Conservation & Development

Discussion regarding:

- Revised draft of Parks, Recreation, and Open Space Chapter and Appendix

Mr. Damanti asked whether the 1996 Park, Recreation & Open Space Plan was ever approved. Mr. Ginsberg will check on that. A minor comment was made to the Park & Recreation Chapter by Mr. Bigelow. Mr. Damanti then asked when Mr. Ginsberg expected to have the public hearing on the entire Town Plan. Mr. Ginsberg replied that the final chapter to be written would be the Land Use Chapter which he expects to review with the Commission in late May. A draft of the entire document will be reviewed by the Commission sometime in June. If the Commission finds that draft document acceptable, Mr. Ginsberg will send it to the printer and have copies made and then refer them out, as specifically required by State Statute.

Mr. Bigelow suggested that Mr. Ginsberg and Mr. Damanti have a press conference to announce when the Draft 2005 Plan is done and encourage people to comment upon the Plan. Mr. Damanti was adamant that a vote by the Planning & Zoning Commission on the Town Plan occur prior to the election in November, and in any case, as soon as possible.

Any Other Business (Requires two-thirds vote of Commission)

The Commission unanimously voted to go into other business to discuss four specific items:

Business Site Plan, Peter Ike, 1911 Boston Post Road

Mr. Ginsberg explained that Mr. Ike has purchased the Flaherty property within the Neighborhood Business (NB) Zone across the street from 1918 Boston Post Road. Mr. Ike wishes to put a window and door showroom in the front building on the property. After some discussion, Mr. Bigelow made a suggestion that a public hearing be held on this proposal, as one has recently been held on the proposal for a dry cleaner across the street at 1918 Boston Post Road. Commission members agreed. Mr. Ginsberg will work with Mr. Ike on scheduling such a public hearing.

Upcoming Scheduling

Mr. Ginsberg asked whether it would be appropriate to cancel the May 10th general meeting and have a special meeting on May 17th. This would allow staff further time to draft a number of Resolutions and work on the land use chapter of the 2005 Town Plan. All Commission members said that that would be acceptable, and Mr. Conze noted that he would not be at the meeting on May 24th.

Hiring of Consultant

Mr. Ginsberg then explained to the Commission, that a recent application was submitted for an 11,000+/- square foot retail/office development adjacent to the movie theatre. He asked Commission members for authorization to hire a consultant to study parking issues related to that application. Commission members authorized Mr. Ginsberg to hire such a consultant.

Outdoor Dining

Mr. Ginsberg mentioned that recently a number of issues have arisen regarding outdoor dining, especially as it relates to uses of Boston Post Road sidewalks. Commission members noted that

PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
MAY 3, 2005
PAGE 6

sidewalks on the Boston Post Road are technically owned by the Connecticut Department of Transportation. Thus, they would require a letter of authorization from the Department of Transportation prior to an application being made for outdoor dining on State property. Mr. Kenny said that the Board of Selectmen recently allowed the Sugar Bowl to apply to the Planning & Zoning Commission to make such a request for outdoor tables and chairs. The issue of the tables in front of Uncle's Deli was also discussed, and whether they ever obtained permits for the three existing tables.

There being no other business, the meeting was adjourned at 10:10 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

05032005min